

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

#### GENERAL ADMINISTRATION

Notice was duly published January 17, 2006 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 24, 2006 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Thursday, January 26, 2006:

1:30 Department of Banking Hearing Room, Lincoln.  
TRS Advisory Committee Meeting.

#### Monday, January 30, 2006:

NG-0012.1 Commission Hearing Room, Lincoln.  
1:30 In the Matter of The Public Alliance for Community Energy (ACE), seeking additional authority as a Competitive Natural Gas Provider to serve the entire state of Nebraska. Commissioner Landis presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3501 In the Matter of AmeriVon, LLC, Incline Village, Nevada, seeking authority to operate as an interexchange carrier of telecommunications service within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3516 In the Matter of Advantage Telecommunications Corp. and Sonya Bly, Winter Park, Florida, seeking authority to transfer control of stock to Robert Sorrentino, Burlington, New Jersey, pursuant to a Stock Purchase Agreement: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3351 In the Matter of Dieca Communication, Inc., d/b/a Covad Communications Company, San Jose, California, seeking to extend their filing deadline under the Petition for Arbitration of an Interconnection Agreement with Qwest Corporation, Denver, Colorado: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to grant the motion to extend the filing deadline. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3511 In the Matter of Qwest Corporation, Denver, Colorado, seeking an interim period agreement with XO Communications Services, Inc., Salt Lake City, Utah, previously granted in Docket C-3295: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order Nunc Pro Tunc striking the term "amendment" from all references in the agreement approved January 18, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E-2092 In the Matter of the Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E-2093 In the Matter of the Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND

NUSF-37.63 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant vs. Norstan Network Services, Defendant. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis to enter an order, sustaining the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-1, In the Matter of the Commission, on its own motion, seeking  
PO #5 to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant Nebraska Central Telephone Company's request to extend the December 31, 2005 deadline to file their amended EARN-Form audit. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-1, In the Matter of the Commission, on its own motion, seeking  
PO #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant McLeod USA's request to extend the December 31, 2005 deadline to file their Remittance Worksheet audit. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-1, In the Matter of the Commission, on its own motion, seeking  
PO #7 to establish guidelines for administration of the Nebraska  
Universal Service Fund: Motion made by Commissioner Jerry  
Vap, seconded by Commissioner Frank Landis, to grant Cricket Communi-  
cations' request to extend the December 31, 2005 deadline to file  
their Remittance Worksheet audit. Motion passed with Commissioners  
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap  
voting AYE.

NUSF-50 In the Matter of the Commission, on its own motion, seeking  
to make adjustments to the universal service fund mechanism  
established in NUSF-26. Commissioner Landis presiding as Hearing  
Officer: Jeff Pursley discussed the Hearing Officer's Order entered  
January 20, 2006, accepting Qwest's late-filed testimony.

Jeff Pursley reported on Late-Filed Carrier Remittances.  
Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank  
Landis, to accept Jeff Pursley's recommendations to levy a late fee  
against USA Digital Communications. Motion passed with Commissioners  
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap  
voting AYE.

E911 DEPARTMENT

911-001/ In the Matter of the Commission, on its own motion, seeking  
PI-52 to establish guidelines for the administration of the  
Enhanced Wireless 911 Fund: Motion made by Commissioner  
Jerry Vap, seconded by Commissioner Frank Landis, to enter an order  
regarding testing. Motion passed with Commissioners Anne Boyle,  
Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

911-015/ In the Matter of the Commission, on its own motion, seeking  
PI-106 to investigate issues related to the calculation and  
reimbursement of costs to carriers of implementing enhanced  
wireless 911 service: Motion made by Commissioner Jerry Vap, seconded  
by Commissioner Frank Landis, to enter an order closing the docket.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP-20.3 In the Matter of Furnas County PSAP, seeking approval for  
recurring and non-recurring costs of Wireless E-911  
implementation: Motion made by Commissioner Jerry Vap, seconded by  
Commissioner Frank Landis, to grant the application. Motion passed  
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank  
Landis and Jerry Vap voting AYE.

E911 DEPARTMENT (Cont.)

PSAP-GISD In the Matter of the Perkins County PSAP, Grant, seeking  
-032 approval of funding for development of GIS data: Motion  
made by Commissioner Jerry Vap, seconded by Commissioner  
Frank Landis, to enter an order Nunc Pro Tunc. Motion passed with  
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis  
and Jerry Vap voting AYE.

PSAP-GISD In the Matter of Kimball County PSAP, Kimball, seeking  
-043 approval of funding for development of GIS data: Motion  
made by Commissioner Jerry Vap, seconded by Commissioner  
Frank Landis, to enter an order granting \$20,500 for base map develop-  
ment and MSAP comparison and \$4,500 for annual GIS maintenance.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, Frank Landis and Jerry Vap voting AYE.

Kara Thielen updated the Commission on a payment report.

NATURAL GAS DEPARTMENT

NG-0012.1 In the Matter of the Public Alliance for Community Energy  
(ACE), seeking additional authority as a Competitive  
Natural Gas Provider to serve the entire state of Nebraska. Commis-  
sioner Landis presiding as Hearing Officer: Motion made by Commis-  
sioner Frank Landis, seconded by Commissioner Rod Johnson, to continue  
the hearing previously scheduled for January 23, 2006 to January 30,  
2006, at 1:30 p.m. in the Commission Hearing Room, Lincoln, and extend  
the deadline an additional sixty days for consideration of the appli-  
cation. Motion passed with Commissioners Anne Boyle, Lowell Johnson,  
Rod Johnson, Frank Landis and Jerry Vap voting AYE. Previous orders  
were approved by Hearing Officer Landis on January 17, 2006, denying  
the Motion to Compel, in part, continuing a previously scheduled  
hearing, and on January 20, 2006, issuing a Protective Order.

LEGISLATIVE REPORT & ACTION

Angela Melton reported on, and the Commission discussed,  
pending legislation.

TRANSPORTATION DEPARTMENT

B-1679 In the Matter of RailCrew Xpress Corp., Texarkana, Texas,  
seeking to acquire, through transfer, the certificate held  
by Brown's Crew Car of Wyoming, Inc., dba Armadillo Express, in Certi-  
ficate B-1144: Motion made by Commissioner Anne Boyle, seconded  
by Commissioner Jerry Vap, to grant the application and revoke Certi-  
ficate B-1144. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

TR-152        In the Matter of Servant Cab Company, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking authority to adjust its rates and charges. Commissioner Landis presiding as Hearing Officer: A hearing was scheduled for February 23, 2006, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

MR-930        In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 56 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1552       In the Matter of Western Surety Company seeking cancellation of its Continuous Grain Warehouse Bond 929232914 in the amount of \$120,900.00, issued on behalf of Schilling Grain, Inc., Pawnee City: Application was granted effective December 27, 2005.

GW-1737       In the Matter of John A. Fecht, Director, Grain Warehouse, GWC-410       Complainant vs. Northwest Grain Co., Ltd., Rushville, Defendant: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a Complaint, an order to Show Cause, and schedule a hearing for March 14, 2006, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Vap appointed as Hearing Officer.

Grain Dealer Division

GD-2159       In the Matter of J & R Grain, Inc., Meadow Grove, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2006: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GD-2678       In the Matter of Lanphier, Inc., Lingle, Wyoming, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2006: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

DAS - Materiel	\$	937.63
DAS - Materiel		2,627.18

Upon agreement of all Commissioners, authorization was granted for Laura Demman to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC from February 11-14, 2006.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission went into closed session at 10:51 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 10:55 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation on a personnel matter. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

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The meeting adjourned at 10:57 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on January 31, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 30, 2006.

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Chairman

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Executive Director